

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**CHARLES BRACKEN**

No: 2:19-cv-185-DSC

*Plaintiff*

v.

*ELECTRONICALLY FILED*

**MANOR TOWNSHIP, THE MANOR  
TOWNSHIP POLICE DEPARTMENT and  
FORMER CHIEF ERIC S. PETROSKY(in  
his official capacity and as an individual),  
jointly and severally,**

**JURY TRIAL DEMANDED**

*Defendants*

**Plaintiff's Reply to Defendants Motion to Dismiss Plaintiff's Amended Complaint in Part**

AND NOW, comes the Plaintiff, Charles Bracken, by and through his attorney, Lawrence E. Bolind, Jr., Esquire, and files this Reply to Defendants Motion to Dismiss Plaintiff's Amended Complaint in Part, as follows:

1. Admitted.
2. Denied. These averment are conclusions of law based on erroneous facts, and as such are strictly denied. The Plaintiff's claims should not be dismissed.
3. Admitted and expanded. As is more fully set forth in Part III (A) of the accompanying Reply Brief , these averment are conclusions of law based facts, and as such are admitted. The Plaintiff's claims as to the other Defendants should not be dismissed.
4. Admitted in part and denied in part. As is more fully set forth in Part III (B) of the

accompanying Reply Brief, these averment are conclusions of law based facts, and as such are only admitted as to the municipal defendant. The Plaintiff's claims as to Defendant Petrosky should not be dismissed.

5. Denied. These averment are conclusions of law based on erroneous facts, and as such are strictly denied. The Plaintiff has stated a valid cause of action and claim for relief under the Fourteenth Amendment. The Plaintiff's claims should not be dismissed.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court that all counts, not conceded by the Plaintiff, be dismissed, or in the alternate, allow the Plaintiff to amend his complaint.

Respectfully Submitted,

s/ Lawrence E. Bolind, Jr.  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have served upon all counsel listed below a true and correct copy of the within Plaintiff's Reply to Defendants Motion to Dismiss in Part, in the above captioned matter this 30<sup>th</sup> day of May, 2019, by the court (ECF) electronic mail upon the following:

Suzanne B. Merrick, Esquire  
Brook T. Dirlam, Esquire  
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*Counsel for Defendants*

/s/ L.E. Bolind, Jr.  
Lawrence E. Bolind, Jr., Esquire  
PA I.D. No. 44827

(Counsel for Plaintiff)